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MEMORIAL OF S. M. BOOTH

—TO THE—

Members of the House of Representatives of Penna.

THE undersigned, a resident of the Fifteenth Ward of Philadelphia, respectfully states:

That he wrote a letter to *The Press*, which was published, April 4th, 1879, as follows:

"MR. EDITOR: Hon. E. W. Davis, in his speech in the House in defense of the Riot bill, —House bill No. 103—said in my hearing, that no one who voted for him in his district had petitioned against the passage of the bill. I obtained the signatures of several hundred voters—not less than five hundred, and I think very many more—by simply presenting the petition, without argument, indiscriminately to bankers, lawyers, real estate dealers, manufacturers, merchants, shop-keepers, grocers, mechanics and workingmen, and at least ninety out of every hundred on whom I called, signed the petition cheerfully, most of them eagerly, many of them denouncing the Philadelphia representatives in general, and Mr Davis in particular, for misrepresenting their constituents in supporting the bill, and not a few volunteering the statement that they had voted and worked for Mr. Davis' election, but they would never vote for him again." —S. M. BOOTH.

"The very head and front of my offending
Hath this extent, no more."

BUT IT WAS THE PRETEXT FOR THE FOLLOWING GROSS ASSAULT.

Mr. Davis said, see page 921, Legislative Record:

"He [Mr. Booth,] has been on the floor of this House for the last two weeks *prying* into the business and actions of members; and he has taken occasion, over his own signature, to state that I said certain things which I did not say. * * * He represents himself as living in my district, but *he is a citizen of the state of Michigan as far as I know, and left there for the benefit of the State.* I want now to state what I *did* say, and the record of this House will bear me out. I said that no man in my district had asked me to vote against this bill. * * I say that Mr. Booth, over his own signature, states *a deliberate lie*, and he is *a calumniator* and *a scoundrel*, and I shall ask the House to enforce the rule from this time forward against any man occupying a seat on this floor that is not entitled to it, or invited by a member. My colleagues will bear me out when I say that this man is *unknown* in the district where I live. + + I will not permit any *renegade and tramp*, from the State of Michigan, over his own signature, to publish a *defamation* and a *lie* that *every member* of the House of Representatives *knows to be a lie*, without contradicting it here upon the floor of the House"

This imitation of the *cuttle fish*, when exposed to the harpoon, is an old trick, poorly concealed.

MORE PITCH.

Mr. Neill said: "I am not aware that any measures can be adopted to shield my colleague from such *a vile heart;* such *an infamous tongue;* such a pen dipped in gall as this man possesses. If there is any means to protect him they should be adopted. I never saw this hairy-faced (!!) gentleman, *purporting* to come from the Fifteenth Ward, until he met me the other day. * * I think it is *infamous*, I think it is the *act of a scoundrel*, to attack any gentleman as this man has attacked Mr. Davis, who stands as high in the Fifteenth Ward as any one else. * * I am prepared, either publicly or privately—as I have done and am ready to do again—to defend Mr. Davis from any such slanderous attacks as this."

DRAWN IN LIGHTER COLORS.

Mr. McKee said: "I will bear out my colleague, [Mr. Davis] in his statement in regard to an unwarranted persecution by the author of this article in *The Press.* * * I had no knowledge of Mr. Booth until I met him on this floor. * * I think the rule should be enforced prohibiting persons not entitled to the use of the floor from occupying the seats of members."

PRIVATE REPORTS.

These *public* accusations were supplemented by *private* reports, circulated among the members of the House, that I am a recent graduate of a State Prison and came direct to Philadelphia from the Penitentiary. Twenty-five years ago, I helped transform a *slave* into a *man*, for which I was subjected to numerous

trials through a series of years, at a cost of $35,000, and several imprisonments—the last one prolonged over a year. But I was never in the Penitentiary or State Prison, and was never convicted nor imprisoned for any offense except that of freeing a slave—an act which humanity, in all ages, and in all places, *outside* of this Legislature, approves and applauds. My conviction and punishment were part of that series of outrages against Liberty, which culminated in the Great Rebellion, and in the overthrow of chattel slavery. The history of this case is recorded at length, in Third Wisconsin Reports, and in the United States Supreme Court Reports, 21 Howard, Page 506.

PLACE OF CITIZENSHIP.

In reply to the *brazen cheekiness* of Mr. Davis in representing that I am *not* a citizen of his Ward, but that I *am* "a citizen of the State of Michigan," I reply; that I informed Mr. Davis that I had lived in his ward for the last three years, and that I had never been in Michigan two days, consecutively, in my life, *after* he *first* stigmatized me as "an emigrant from Michigan," (see Page 746 Legislative Record,) and *before* he repeated the story, with the truthless addition, that I "left there for the benefit of the State." So that the falsehoods were as inexcusable as they were malignant. I *emigrated* to the Fifteenth Ward over three years ago, as Mr. Davis did a few years earlier, but I did not *tramp* into his district, as he alleges, but rode in a Pullman Palace car, at my own expense, and *not* on a *free pass*. That I was unknown to my representatives—and I accept their statement as true—may be due to the fact that, during three years residence in their ward, I have not been an office-seeker, nor frequented the usual haunts of ward politicians. But when Mr. Davis says that I am *unknown* in his district, he states a notorious untruth. And I offset the calumnies of these men, who confess they did *not know* me, with the testimony of those who *do know* me, and *have known* me since 1849.

TESTIMONY OF THE WISCONSIN UNITED STATES SENATORS.

UNITED STATES SENATE CHAMBER, Washington, April 19th, 1879.

We take pleasure in saying that Sherman M. Booth, Esq., is well known to us. That he was for many years a resident of Wisconsin, and was for years the Editor of one of the most influential political journals in the State. That he never was convicted or imprisoned for any offense or crime in our State, except for the violation of the Fugitive Slave Law during the administration of James Buchanan, and we never heard his integrity as a business man called into question.

[Signed] MATT H. CARPENTER,
ANGUS CAMERON.

TESTIMONY OF THE PUBLISHERS OF THE MILWAUKEE EVENING WISCONSIN.

MILWAUKEE, April 21, 1879.

S. M. BOOTH—*Dear Sir:* We have known you about twenty-five years. You were never convicted of any crime, except, (if it was a crime,) that of an alleged aiding the escape of a slave many years ago. We have dealt with you largely and found you honorable and upright, and this is your reputation.

Very truly, CRAMER, AIKENS & CRAMER.

TESTIMONY OF GOVERNOR SMITH, OF WISCONSIN.

EXECUTIVE DEPARTMENT, Madison, April 24, 1879.

MR. S. M. BOOTH, Phil'a—*Dear Sir:* I take pleasure in saying that I became acquainted with you soon after I came to Wisconsin, in 1849, and from that time on, for nearly twenty years, I was quite conversant, both from observation and common repute, with your daily life and labors. It is within my personal knowledge that for many years you occupied a conspicuous position before the public, and wielded an influence in Wisconsin second to no other citizen, whether in official or private life; and any statement from any quarter that you served any term or time in a Wisconsin prison, or were convicted of any offense under the laws of Winconsin, is altogether false and without foundation, except in the fact, that you were convicted under the so-called Fugitive Slave Law for aiding a fugitive slave to escape from bondage, and were held in confinement in the United States Custom House, in Milwaukee.

I have the honor to be, very truly yours,

[Signed] WILLIAM E. SMITH,

Governor of Wisconsin.

THE STATEMENT AND CONTRADICTION ANALYZED.

Messrs. Davis & Neill charge me with infamy for my letter to *The Press*. What statement therein do they deny? Not that respecting the number and character of the petitioners from their district against the Riot bill. Nor that the petitioners expressed themselves as strongly as I stated, in regard to their representatives. They could not know *that* to be false, and I know that I *understated* the truth, and gave no adequate representation of the general indignation, disgust and loathing of their constituents toward the supporters of the Riot bill and the Delinquent Tax bill. After these speeches were made, I brought to this House the petitions of 555 of their constituents, over 300 of whom stated in the body of their petition, *that they had voted for the present Representatives of the Fifteenth ward in the Legislature*, and I asked Mr. McKee, that, in presenting it, he would either state that fact, or have the petition read to the House; *but he did not.*

The only ground of accusation, then—the only point Mr. Davis *attempts* to contradict and correct— is my report that he said, "No one who voted for him in his district had petitioned against the passage of the bill;" and he declares that he said; "No one in my [his] district has asked me [him] to vote against the bill."

THE TWO STATEMENTS SUBSTANTIALLY ALIKE.

Is there any *real* discrepancy in the two statements? Anything to justify Mr. Davis in calling me a deliberate liar, calumniator and scoundrel; or that warranted Mr. Neill, a minister of the gospel—not of *hate*, but of *good-will*—in accusing me of possessing "a vile heart, an infamous tongue" and of acting the part of "an infamous scoundrel?" I reported Mr. Davis precisely as I understood him, noting down the words at the time, and I believe I reported him correctly. But I *may* have misunderstood him, and I am perfectly willing to accept his corrected, published version of what he said as the *true* one. For it includes *all* the voters of his district, and affirms that *none* of them had asked him to vote against the bill, and is therefore broader than my version of it, which limited the statement to those who had *voted* for him. Mr. Davis, therefore, *gives himself away*, by admitting that he said *more* than I reported against him, and makes his own case more hopeless than I had stated it. He denies and confesses in the same breath, and accuses me of lying for not making my report more broad and sweeping.

THE PETITIONS ARE ON FILE IN THIS HOUSE.

For there can be no dispute— because the record with its array of witnesses is here—that petitions containing the names of hundreds of his constituents had been presented to this House, weeks before Mr. Davis' speech was made, asking this House "to *defeat* and *reject*" this bill—that is, to *vote against* it. Nor can any one deny, that a petition to this *House* is a petition to the *members* of this House, Mr. Davis included. Mr. Davis, then, *had* been asked to *vote against* this bill by hundreds of his constituents, and my report of his speech being fully confirmed, both by the facts and by his own admission, his indictment of me falls as *limp* and *lifeless* as the Riot bill, which it was designed to *reanimate*.

THE ACCUSER AND HIS WITNESSES.

That Mr. Davis should have maligned me, regardless of truth and decency, occasions no surprise where he is best known. But Mr. Neill has the reputation, at home, of being an honest man. His votes against the Riot bill and the Delinquent Tax bill are heartily approved, and I hope that, on calm reflection, he will regret his use of low personalities and ungentlemanly language toward me, and that he forgot the command, "Thou shalt not bear false witness."

Mr. McKee endorsed Mr Davis rather faintly, was not a swift witness like Mr. Neill, and did not descend to Mr. Davis' level. But he dodged the vote on the Delinquent Tax bill, was ready to join his colleagues in excluding me from the floor of the House, and sought to resurrect the dead Riot bill by joint resolution, as peace offerings, I suppose, to Kemble and "DEAR LISHE."

"PRYING INTO HIS BUSINESS."

To the charge of Mr. Davis, that I have been *prying* into his business, or the business and acts of the members of this House, I reply; that I have done nothing, in opposing the Riot bill, unbecoming a good citizen; and that the developements of the Investigating Committee vindicate the necessity and justice of every step taken by the Renters' & Tax-payers Union to defeat this bill.

RIGHTS OF CONSTITUENTS.

As his constituent, I, and every citizen of his ward, have a right to examine his legislative record, and inquire what he is doing, as our representative, in this House.

> "Upon what meat doth this our Cæsar feed,
> That he is grown so great?"

The servant is not above his master, nor the creature above his creator, and whoever seeks to reverse this primal law should be taught to know his allotted place. I have an indefeasible right to call my representatives to an account, and *shall* call them to an account, if they misrepresent the known wishes of their constituents, fairly expressed; and if they deny that right they are unfit to represent a free Republican, or Democratic constituency. And I demand for myself, and for every citizen of this Commonwealth, immunity from threats, or assaults, upon the floor of this House, or elsewhere, for exercising this right, in the spirit of an honest, upright, independent sovereign citizen.

S. M. BOOTH.

COLUMBIA PRINT, 1026 COLUMBIA AVE.